

REMARKS

Mailing Address. The Examiner is requested to send future correspondence to RABIN & BERDO, P.C., Suite 500, 1101 14th Street, NW, Washington, DC 20005, attorneys of record.

Restriction. Reconsideration is requested. Claims 1-3 and 17-18 are the only claims under consideration.

As was briefly discussed between the Examiner and the undersigned attorney on May 23, 2005, the present withdrawal of claims, especially claim 4, has limited the Applicants' ability to respond and therefore is believed to be unduly restrictive. For the record, the Applicants respectfully maintain their traversal of March 31, 2005.

Claim 1 prior to the present amendment recited "flexible metal conductive contacts," which is believed to include the embodiment of Fig. 1A (the Examiner indicated that the species scheme does not depend on the drawing figures in this case). Because withdrawn claim 4 also covers the subject matter of Fig. 1A, as is shown in the drawing, the Examiner is respectfully requested to examine claim 4, on the basis that, inadvertently, the withdrawal of claim 4 was incompatible with the election of claim 1.¹

For the record, the Applicants also respectfully traverse the non-examination of claim 4 as contrary to MPEP § 806.04(d), which states that "species which can be included [examined] in addition to the a single [elected] species must contain all the limitations of the generic claim." A curved contact is still a contact, and has all the limitations defined by the word "contact," such that claim 4 is within the scope of claim 1 and contains its limitations.

¹ The Examiner asserts that there is no generic claim, but claim 1 is respectfully believed to be generic to the apparatus claims 4-9.

The Examiner indicated that the dependent claims include contrary subject matter. This is respectfully traversed for the record,² and if claim 1 is allowed then the dependent claims should be reinstated to consideration and allowed on the basis of their dependence. However, the claims are amended to remove any possibility of contradiction.

Claims reciting the fuzz-buttons of Figs. 1B and 2B are canceled without prejudice to reentry. Examination of all the apparatus claims is requested.

§ 102. All claims were rejected under § 102 over Rathburn. This rejection is respectfully traversed on the basis that independent claims 1 and 17 recite features not disclosed by the reference.

Entry of the amendment to claims 1 and 17 is requested. If amended claims 1 and 17 are to be withdrawn, or the amendment refused entry, then the Applicants intend to argue as follows: Because the Applicants were unable to follow the usual prosecution procedure and amend their claims in view of the applied art, the Applicants take the position that Rathburn cannot possibly anticipate the elected claims, because Rathburn discloses “spring contacts comprising a curved metal form” (the quote is from instant claim 4), which is withdrawn subject matter. Every single one of Rathburn’s contacts which is “mechanically retained” to the frame by elastic material comprises curved metal. The bent ones are all embedded, while the ones which are generally planar with curved edges (these also comprise “curved metal”) are retained by axles. Thus, Rathburn shows only non-elected species and does not apply to the claims under consideration, and there is no anticipation.

2 The difference between claim 2 and claim 7 (prior to this amendment) is not structural—in both cases the contact ends up in the adhesive and in contact with the adhesive. The only difference is methodical, and the Examiner is not examining method claims, but apparatus claims in which the method is immaterial.

§ 103. All claims were rejected under § 103 over Hopfer '306 in view of Vinther '709 and Kawaguchi '279. This rejection is respectfully traversed on the basis that independent claims 1 and 17 recite features not disclosed by the references.

Entry of the amendment to claims 1 and 17 is requested. If amended claims 1 and 17 are to be withdrawn, or the amendment refused entry, then the Applicants intend to argue as follows:

The combination of Hopfer with Vinther Kawaguchi is respectfully traversed.

Hopfer discloses fuzz buttons (col. 1, line 17; col. 4, line 26; drawing). Vinther discloses a "raveled wire embodiment" with "randomly entangled convolutions" (col. 3, lines 46-50), which is the same as Hopfer's fuzz-button contact, and Vinther also discloses that these can be embedded in elastomer (col. 7, line 1; Fig. 12). Therefore, the Examiner's statement at page 5, line 14 is respectfully submitted to be incorrect, and there would have been no reason to combine Vinther with Hopfer, as asserted. With respect, the Examiner also makes a mis-statement at page 5, line 20, because Vinther actually does disclose conductive elastomer (at col. 7, line 1). Therefore, adding Kawaguchi to the combination is not motivated.

Thus, Hopfer as the main reference should be considered alone. But Hopfer's contacts can all be categorized as either fuzz buttons or as comprising curved metal, and therefore they are all outside the scope of examination, because they are described by the Applicants' withdrawn claims 4, 8, and 19. Therefore the rejection would be incorrect.

Reconsideration, entry, and allowance are requested.

Respectfully submitted,



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